

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Mo Xu

Appln. No.: 10/630,207

Filed : July 30, 2003

For : PERFORMANCE FLOW GUIDE FOR
IMPROVED ACOUSTICS

Docket No.: S01.12-1167/STL11080.0

Group Art Unit: 2018

Examiner: Edgardo San Martin

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**Electronically Filed
April 9, 2009**

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed January 13, 2009, finally rejecting claims 1,3, 5-7, 9, 18-20, 22-24, 26 and 28-34.

FEE STATUS

☐ Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$540.00

☐ small entity \$270.00

EXTENSION OF TIME

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$245.00
<input type="checkbox"/> three months	\$1,110.00	\$555.00
<input type="checkbox"/> four months	\$1,730.00	\$865.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for --- has already been secured and the fee paid therefor of \$--- is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$---

or

(b) ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$540.00

Extension fee (if any) \$0

Total Fee Due \$540.00

FEE PAYMENT

[X] An electronic payment in the amount of \$540.00 is attached.

[] Charge Deposit Account No. 23-1123, the sum of \$.

The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Deirdre Megley Kvale/
Deirdre Megley Kvale, Reg. No. 35,612
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

DMK:rev